IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Civil Action No. 7:19-cv-00011-D

GAIL MAJOR,)
Plaintiff,)
v.)
CAPE FEAR ACADEMY,	DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
Defendant.)
)
)

NOW COMES Defendant Cape Fear Academy ("Defendant"), and moves the Court pursuant to Rule 56 of the North Carolina Rules of Civil Procedure for summary judgment in its favor on each of Plaintiff's claims on the grounds that there are no genuine issues of material fact, and that Defendant is entitled to judgment as a matter of law as more fully set forth below and in the Memorandum of Law in Support of Summary Judgment and Statement of Undisputed Material Facts contemporaneously filed herewith.

In support of its Motion, Defendant respectfully shows the Court that there is no genuine issue of material fact and that summary judgment should be granted in its favor as a matter of law for the following reasons, among others, as fully set forth in Defendant's Memorandum of Law in Support of Motion for Summary Judgment:

- 1. The undisputed material facts show Defendant's decision not to offer Plaintiff the teaching position was due solely to legitimate non-discriminatory reasons.
- 2. Plaintiff fails to meet her burden of proving the legitimate reasons offered by Defendant for not offering Plaintiff the teaching position were a pretext for discrimination.

3. The undisputed material facts show Plaintiff's claim for constructive discharge is

neither referenced in her EEOC Charge nor supported by the undisputed material facts.

In further support of its motion, Defendant relies on the concurrently filed Statement of

Undisputed Material Facts, Defendant's Appendix to Local Civil Rule 56.1 Statement of

Undisputed Material Facts and the attached deposition and declarations, the concurrently filed

Memorandum of Law in Support of Defendant's Motion for Summary Judgment and the pleadings

in this matter.

WHEREFORE, Defendant respectfully prays that this Court enter judgment in its favor on

each of Plaintiff's claims and award to Defendant its costs incurred in defending this action,

including reasonable attorneys' fees.

Respectfully submitted, this, the 30th day of January, 2020.

CRANFILL SUMNER & HARTZOG LLP

By:

/s/ Benton L. Toups

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, which will send notifications to each said party as follows:

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This, the 30th day of January, 2020.

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